IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 1243 of 1995

Between:

M/s.Kalpana Tanning Materials Limited, rep. by its Managing Director, Boddu Kalavathi, 5-7-1, Bodduvari Street Vizianagaram

..... PETITIONER

AND

1 The Superintending Engineer, Operation Circle,

APSE Board,Vizianagaram
2 The Assistant Accounts Officer, APSEB,

Vizianagaram town, Vizianagaram Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of mandamus, declaring the action of the respondents in Proc.Lr.No.SE/O/VZM/LT/D.No.114/95 dt.5/1/1995 as illegal, null and void and set aside the same.

Counsel for the Petitioner:MR.VENKATESWARA RAO GUDAPATI, Advocate.

Counsel for the Respondents : MRS.M.VINOBHA DEVI (SC FOR APTRANSCO)

The Court made the following :

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ORDER :

The petitioner company is running a Small Scale Industry(SSI). It availed the power supply from the respondents. It is the case of the petitioner company that its SSI unit is running a tanning extract plant in the Industrial Estate Area, Vizianagaram. According to the petitioner, since 1988 the unit was closed. However, they were getting the electricity bills regularly. Sometime in February, 1994, first respondent demanded a sum of Rs.62,166/-. The petitioner company made a representation on 30-7-1994 requesting to rectify the alleged defects in the bill. By the impugned letter dated 5-1-1995, the first respondent informed that the meter fixed at the SSI unit was found to be in perfect condition and that the bill issued to the petitioner company reflects the consumption charges upto February, 1994 and the petitioner company was requested to pay the amount. Again the petitioner made another representation on 10-1-1995 and thereafter filed the present writ petition challenging the communication dated 5-1-1995 of first respondent.

Second respondent filed a counter affidavit. It is stated that the bill for an amount of Rs.62,166/- issued in February, 1994 is for the period from 9/1992 to 9/1994 and that the same was in accordance with the electricity consumption charges. It is further stated that as informed by the Managing Director of the petitioner company vide letter dated 12-3-1994 the tanning extract plant was given on lease in 1992 to one Mr.Nath to extract the product from cashew wrapper and that as per the information made available, the meter fixed at the service is in correct working condition. The counter affidavit also gave the consumption figures for 1988-89 and 1989-90.

The petitioner has not filed any reply affidavit, though a copy of the counter affidavit was served on the learned counsel for the petitioner on 4-7-2002. Be that as it is, even according to the petitioner, the unit was leased out to Mr.Nath. Therefore, the bills which the petitioner received earlier may not be a proper guide to draw an inference that the bill issued in February, 1994 for the period from 9/1992 to 9/1994 i.e., for about twenty four (24) months is excessive. In any view of the matter, the point whether the respondents have raised excessive bills or resorted to back-billing, are matters which are to be agitated as per the terms and conditions of supply of power. A writ remedy is not proper.

The writ petition, for the above reasons, fails and is dismissed. No costs.

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(V.V.S.RAO, J.)

Dt.07-07-2004.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Superintending Engineer, Operation Circle,

APSE Board,Vizianagaram
2 The Assistant Accounts Officer, APSEB,

Vizianagaram town, Vizianagaram Dist.

3. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.1243 of 1995

Dt.07-07-2004

(Msr)